

REMARKS

This amendment is in reply to the Office action of January 8, 2008. Claim 18 is amended. Claims 1-18 are pending. Applicants request reexamination and reconsideration of the application

In sections 1-3 of the Office action, the examiner rejects claims 1-18 as being unpatentable over U.S. Patent No. 6,510,439 B1 to Rangarajan et al. (Rangarajan) and U.S. Patent Publication No. 2002/0032701 A1 to Gao et al. (Gao) and collectively (the references).

Specifically, the examiner asserts (1) Rangarajan teaches a client-side caching system except for a client-side script that automatically re-requests a resource, (2) Gao teaches such a client-side script and (3) It would have been obvious to combine them since it is more efficient to run the script on the client.

Applicants briefly respond below:

1) Contrary to the Office action, Rangarajan fails to teach a client-side caching system. First, Rangarajan never uses the term: "cache" or "caching" or "client cache" or "client-side cache" anywhere. Further, contrary to the Office action, Rangarajan's col. 7, lines 8-44 and col. 9, line 65 - col. 10, line 11 do not describe a client-side caching system. There is simply no discussion of a client cache in Rangarajan.

2) Rangarajan's EXPIRES field also does not imply a client-side caching system. Rangarajan's state management server only sets the time of the EXPIRES field in a cookie so the client can discard the cookie when the EXPIRES time lapses (See Rangarajan's col. 9, line 65 - col. 10, line 11).

3) Rangarajan's EXPIRES time is *not* used to estimate when a document in client cache can be safely retrieved or should be discarded, but only to estimate

1 when a cookie that is used exclusively on the server-side should be discarded or
2 reused to identify documents stored on the server.

3 4) Because Rangarajan fails to describe a client-side caching system, the
4 Office action fails to present a rational underpinning to support the conclusion of
5 obviousness.
6

7 5) Yet in *KSR International Co. v. Teleflex Inc.* 126 S.Ct. 1837 (2006) the U.S.
8 Supreme Court requires that examiners state "some articulated reasoning with
9 some rational underpinning to support the legal conclusion of obviousness." The
10 Supreme Court left undisturbed the requirement an examiner must present a
11 "convincing line of reasoning supporting a rejection." MPEP 2144.

12 6) The argument that Rangarajan uses a cookie to retrieve the most recent
13 resource from a client cache also lacks a rational underpinning, because
14 Rangarajan retrieves each document from the server. It is erroneous to state
15 Rangarajan describes retrieving a document from the client cache. Briefly,
16 Rangarajan's state management server 12 compares the cookie value to the data
17 of the registration table 13 each time on the server-side to find the last accessed
18 group of documents (See Rangarajan's Figure 1 and col. 4, line 17 to col. 7, line
19 44).
20

21 7) In addition, Rangarajan's retrieval of each document from the server
22 wastes network bandwidth and increases page latency compared to our client-
23 side caching system.

24 8) Further, contrary to the Office action, Rangarajan's server does not send
25 a client-side script in a response to the client.
26

27 9) Gao also fails to describe our client-side caching system and fails to
28 describe a client-side script that causes the client to *automatically re-request the*
29 *resource*. Gao's does not *re-request* a resource. Instead, Gao requests a first
30 displayed web page (the resource) then requests another resource, a non-

1 displayed second page, referred to as a phantom page, to update *additional*
2 *element(s)* of the first displayed web page (See Gao's Figure 5 and paragraphs
3 [0047- 0050]).

4 10) Rangarajan and Gao fail to *automatically re-request a resource*. Only
5 our client-side script causes the client to automatically re-request the resource
6 (e.g. web page) (See our published application's paragraphs [0041- 0051]).
7

8 11) *Because these claim limitations are absent in Rangarajan and Gao,*
9 *they cannot establish a prima facie case of obviousness.* That is, the references
10 clearly fail to disclose a client-side script that appends the cookie value to the
11 request for a resource such that the client automatically re-requests the resource
12 with the appended cookie value so that if the most recent version of the resource
13 is in the client cache, the resource is retrieved from the client cache rather than
14 from the server, and if not, the resource is retrieved from the server as recited in
15 claim 1.

16 12) *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) held a
17 reference did not render the claimed combination prima facie obvious because
18 *the examiner ignored that a claim limitation was absent in the reference.*
19

20 13) The examiner's proposes to shift Rangarajan's server-side operation to
21 the client-side for efficiency, but doesn't address our previous arguments how it
22 destroys Rangarajan's function to provide coherent access to users of different
23 versions of documents on an *HTTP* server (See page 9, lines 16 - page 10, line 7
24 in our amendment mailed April 19, 2007). And no evidence is given why running a
25 script on a client is more efficient than on a server. *In re Gordon*, 733 F.2d 900,
26 221 USPQ 1125 (Fed. Cir. 1984) held an obviousness rejection based on a
27 modification of a reference that destroys its intent, purpose, or function was
28 improper since there would have been no technological motivation for such a
29 modification.

30 In view of the above, claim 1 is allowable over Rangarajan and Gao.

1 Claims 2-4 are allowable based on their dependency on allowable claim 1.

2 Contrary to the Office action on pages 4-5, Rangarajan and Gao do not teach
3 claims 5-7 for the reasons discussed in connection with claim 1.
4

5 Claim 8 is allowable based on its dependency on allowable claim 1.

6 Contrary to the Office action on pages 6-8, Rangarajan and Gao do not teach the
7 claims 9-14 for reasons similar to that discussed in connection with claim 1.
8

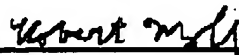
9 Contrary to the Office action on pages 8-9, Rangarajan and Gao do not teach
10 claims 15-17 as discussed in connection with claim 1.
11

12 Contrary to the Office action on pages 9-10, Rangarajan and Gao do not teach
13 claim 18 for reasons similar to that discussed in connection with claim 1.
14

15 It is submitted the application is in condition for allowance.

16 As agreed during a teleconference with the undersigned on July 2, 2008, the
17 examiner and applicants will conduct an interview to discuss this amendment
18 and address any questions. Please send an email to the address below to state
19 the most convenient time for this interview.
20

21 Respectfully submitted,

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23 _____

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